

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13610, of Michael Stempler and Gail D. Bassin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for a proposed two story addition and entrance foyer to a dwelling which is a non-conforming structure in an R-1-B District at the premises 5012 V Street, N.W., (Square 1388, Lot 92).

HEARING DATES: November 18, 1981 and January 13, 1982  
DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the northeast side of the circle at the end of V Street east of Reservoir Road, N.W.
2. The subject lot is irregularly shaped, having a width of approximately twenty feet facing V Street and over forty feet at the other end.
3. The lot slopes up from the V Street frontage to the northeast.
4. The property is improved with a two story brick semi-detached dwelling. The dwelling is one of a group of row and semi-detached dwellings constructed prior to the adoption of the present Zoning Regulations in 1958. The project was originally built as rental apartment units, but was converted to single family, owner occupied units in the mid - 1970's.
5. The side of the building which faces V Street is actually the functional rear of the building. The main entrance is located on the northeast side of the building, away from the street.
6. There is a six foot wood stockade fence enclosing a patio on the street side of the building. The applicants propose to erect a two story addition in that area. The second floor would contain a bedroom, while the first floor would contain a family room.
7. The existing dwelling is relatively small, containing only approximately 875 square feet. There is a living room, dining room, kitchen and powder room on the

first floor. The second floor contains two bedrooms and a bathroom.

8. The existing dwelling has a side yard on its northwest side, and is located on the lot line on its southeast side. The proposed addition would follow the line of the existing dwelling on both sides. It would have a ten foot side yard on one side, and no side yard on the other side. The R-1-B District requires a side yard on each side. The applicants therefore seek a variance for the northeast side.

9. The only reasonable location for the proposed addition is at the "rear" of the house, where the lot is the narrowest. If the applicants were required to provide two eight foot yards, the addition would be only eight feet wide.

10. The house with the proposed addition would occupy only 800 square feet of the lot, well below the maximum permitted building area of 1250 square feet.

11. The applicants also propose to construct a one-story entrance foyer at the "front" of the house. The foyer measures five feet by 9.5 feet, and is also located adjacent to the property line. It abuts the wall of the adjoining dwelling, which extends further to the northeast than the existing subject dwelling. Given the configuration of the existing dwelling, the only reasonable location for an entrance foyer is as proposed by the applicants.

12. The additions will be of the same architectural character and materials as the existing dwelling.

13. The owner of the abutting house to the southeast submitted an affidavit to the record, advising that she supported the application. The abutting owner's statement included that she believed that any negative effects which would result from the addition would be minimal and not detrimental to light and air. The Board so finds.

14. The applicant submitted a petition to the record in support of the application signed by the residents of V Street.

15. There was no report in the record from Advisory Neighborhood Commission 3D.

16. There was no opposition to the application at the public hearing or in the record.

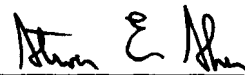
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CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the irregular shape of the lot, the narrowness of the lot, the extremely small size of the existing dwelling and the configuration of the existing dwelling, built prior to the adoption of the present Zoning Regulations, combine to create an exceptional condition of the property. Strict application of the Regulations would prevent a reasonable expansion of the existing dwelling, and would cause practical difficulties to the owners. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, William F. McIntosh, Charles R. Norris and Douglas J. Patton to GRANT; John G. Parsons not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER  
Executive Director

APR 14 1982

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.